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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,714	10/22/2001	Thomas S. Lewis	2398	4445

7590 07/13/2006  
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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/016,714	<b>Applicant(s)</b> LEWIS, THOMAS S.	
	<b>Examiner</b> Jonathan Ouellette	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Request for Continued Examination*

1. The Request filed on 4/24/2006 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/016,714 is acceptable and a RCE has been established. An action on the RCE follows.

### *Response to Amendment*

2. Claim 6 has been cancelled, and Claims 11-14 have been added; therefore Claims 1-5 and 7-14 are now pending in application 10/016,714.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 11-14** are rejected under 35 U.S.C. 102(e) as being anticipated by Vidalí (US 2004/0143450 A1).
5. As per new **independent Claims 11 and 14**, Vidalí discloses a method (system) for aggregating and displaying data comprising: a) establishing a first web server for a first

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business (Agent 1 site, Fig.1B) and a second web server for a second business (Agent 2 site, Fig.1B), the first and second web server existing on physically separate computer systems (Fig.1B); b) aggregating data related to items available from the first and second business at a central server (Para 0072, Agents add listings to MLS database/website); c) transmitting a portion of the aggregated data of available items to both the first and second web servers, the aggregated data portion being defined in HTML mark-up language (Para 0050-0055, Agent Workspace, Network technology equivalent); and d) transmitting a web page to a user browser from the first web server, the web page containing the unaltered HTML aggregated data portion as received from the central server and second portion containing information about the first business (MLS Website / Agent Workspace).

6. As per new Claim 12, Vidali discloses wherein the HTML aggregated data portion contains data relating to items available from the second business but does not include any identifying information that identifies the second business.
7. As per new Claim 13, Vidali discloses wherein the items are selected from the set comprising *real property*, physical products for sale, and services provided to third parties.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. **Claims 1-5 and 7-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Vidali (US 2004/0143450 A1)**.
10. As per **independent Claim 1**, Vidali discloses a method for aggregating and displaying data comprising: a) collecting data regarding items available at a first and second business (Agents real estate listings); b) presenting the collected data regarding the items to a central server system (Para 0072, Agent adds listings to MLS database) along with identifying information that identifies the business at which the item is available (Associated with listing agent); c) aggregating the data from the first and second businesses at the central server system into an aggregated data collection of available items (Para 0050, Para 0071, Central Server, MLS/listings Database – Listing correspond to actual real estate); d) presenting a portion of the aggregated data collection of available items to each business as an aggregated data portion defined in a mark-up language (Para 0050-0055, Agent Workspace); e) receiving the mark-up language defining the aggregated data portion at a first and second web server operated for the first and second businesses (Para 0050-0055), respectively, without altering the mark-up language defining the aggregated data portion; f) receiving a user request from user browsers at both the first and second web server; and g) transmitting web pages to the user browsers in response to the user requests, the web pages containing the unaltered aggregated data portion as received from the central server system, with the web page from the first web server also containing information about the first business and the web page from the second web server also containing information about the second business (Para 0050-0055, workspace contains unique information Workspace);

11. Vidali discloses providing information of the originating business (Fig. 12, Contact and Real Estate Agency); therefore, Vidali fails to expressly disclose h) wherein the aggregated data portion does not include any identifying information that identifies the business that originated elements of the aggregated data.
12. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to simply remove the identification information from the webpage listing; thereby reducing the probability that the listing will sway potential buyers decisions, based on prior experiences with the contacts or agencies.
13. As per Claim 2, Vidali discloses wherein the aggregated data portion is integrated with information about the first business by the first web server placing the aggregated data portion within its own HTML frame.
14. As per Claim 3, Vidali discloses wherein the aggregated data portion is integrated with information about the second business by the second web server placing the aggregated data portion within a cell of an HTML table.
15. As per Claim 4, Vidali discloses wherein the aggregated data portion contains mechanisms to select, search, and sort the portion of the aggregated data.
16. As per Claim 5, Vidali discloses wherein the aggregated data portion contains all of the aggregated data collection.
17. As per Claim 7, Vidali discloses wherein the aggregated data portion is received by a first user from the first web browser, and where the aggregated data portion described an item available from the second business but does not identify the second business (see rejection of independent Claim 1).

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18. As per Claim 8, Vidali discloses wherein the first and second businesses are chosen from the set comprising brokers who sell items owned by third parties for a commission, retailer that sell physical items for sale, and service providers that provide services to third parties (all common real estate business functions).
19. As per Claim 9, Vidali discloses wherein the items are *real estate*.
20. As per Claim 10, Vidali discloses wherein the mark-up language is chosen from the set comprising XML and HTML.

#### ***Response to Arguments***

21. Applicant's arguments filed 4/24/2006, with respect to Claims 1-5 and 7-14, have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

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24. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

July 5, 2006



Jonathan Ouellette  
Patent Examiner  
Technology Center 3600